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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN MOORE,

Plaintiff,

v.

G. TESLUK, et al.,

Defendants.

No. 2: 16-cv-2268 TLN KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel, with a civil rights action pursuant to 42 U.S.C. 1983. On March 8, 2018, Magistrate Judge Kellison conducted a settlement conference in this action and Moore v. Price, 2:14-cv-1232 TLN DB P. (ECF No. 83.) Both actions settled. (Id.)

On December 20, 2021, plaintiff filed a motion alleging breach of the settlement agreement. (ECF No. 86.) Plaintiff alleges that defendants breached the settlement agreement by denying him parole and interfering with his parole suitability by filing false disciplinary charges. (ECF No. 86.)

The undersigned listened to the recording from the March 8, 2018 hearing where the terms of the settlement agreement in both cases were read on the record. Magistrate Judge Kellison stated, and plaintiff agreed, that the instant case settled for a monetary amount only. Magistrate Judge Kellison did not state that defendants agreed to take no actions to deny or interfere with

1 plaintiff's parole suitability.<sup>1</sup> For these reasons, the undersigned finds that plaintiff's motion  
2 alleging breach of the settlement agreement is without merit.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion alleging breach of the  
4 settlement agreement (ECF No. 86) is denied.

5 Dated: January 7, 2022

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8 KENDALL J. NEWMAN  
9 UNITED STATES MAGISTRATE JUDGE

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26 <sup>1</sup> At the March 8, 2018 hearing, Magistrate Judge Kellison stated that 14-cv-1232 settled for a  
27 monetary amount and that he (Magistrate Judge Kellison) would transmit a letter to the Board of  
28 Parole ("BPH") supporting plaintiff's upcoming parole hearing. Plaintiff attaches to his pending  
motion a copy of a letter from Magistrate Judge Kellison to the BPH supporting plaintiff's then  
upcoming parole hearing.